

BOARD OF APPEALS CASE NO. 5281

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BEFORE THE

APPLICANT: Bethel Apostolic Church

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ZONING HEARING EXAMINER

**REQUEST: Variance to permit an addition
within the 80 foot rear yard setback;
21 N. Earlton Road, Havre de Grace**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/14/02 & 8/21/02

HEARING DATE: September 30, 2002

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Record: 8/16/02 8/23/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Bethel Apostolic Church, is requesting a variance, pursuant to Section 267-34C, Table II of the Harford County Code, to permit an addition within the 80-foot rear yard setback in an AG/Agricultural District.

The subject parcel is located at 21 N. Earlton Road and is more particularly identified on Tax Map 37, Grid 4B, Parcel 161, Lot 2. The parcel consists of 6.73± acres, is zoned AG/Agricultural and is entirely within the Second election district.

Buddy Flosser, Pastor of Bethel Apostolic Church, appeared and testified. The witness indicated that the Church plans to expand the existing building by adding a 25 foot by 8 foot addition to the existing sanctuary located to the rear of the property. The addition will be used for a baptistery, prayer room and an enlarged platform. There are 3 existing buildings on the property and the parking area; septic reserve area and sediment controls contribute to severe reduction of buildable area on the parcel. This proposal will not require additional parking and Pastor Flosser explained that the area immediately to the rear of the new addition is densely wooded with large shrubbery and trees that screen the area where the addition will be located. There is a lane and residential areas to the rear as well. To the side of the property is another Church and there are residential uses that adjoin the subject parcel.

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Nearly all of the 19 attendees at the hearing voiced their support for the approval of the variance in brief statements allowed by the Hearing Examiner.

The Department of Planning and Zoning, in recommending approval of the requested variance, found that the property was topographically unique due to the presence of slopes, sediment control area, septic reserve and wells located on the property. The proposed location is, in the Department's opinion, the only practical location for the addition. Lastly, the Department found that no adverse impacts would result to adjoining properties as a result of approval of the variance and the intent of the Code in providing substantial buffering is met as a result of the existing screening and road that serves to separate the structure from adjoining lots.

There were no persons that appeared in opposition to the request.

CONCLUSION:

The Applicant, Bethel Apostolic Church, is requesting a variance, pursuant to Section 267-34C, Table II, of the Harford County Code, to permit an addition within the 80-foot rear yard setback in an AG/Agricultural District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner, for the reasons stated by Pastor Flosser and the Department of Planning and Zoning, finds that unique topographical and structural features on this property justify the need for a variance. The proposed location is the only logical or practical one for this addition and it should have no adverse impact on adjoining properties. The existing natural screening will serve to provide buffering anticipated by the normal setback requirements of the Code.

The Hearing Examiner, for the foregoing reasons, recommends approval of the subject request, subject to the following conditions:

1. The Applicant obtain any and all necessary permits and inspections.
2. The Applicant shall maintain the existing vegetative screening along the rear and southern property lines.

Date OCTOBER 21, 2002

William F. Casey
Zoning Hearing Examiner